

Andrea Lynn Chasteen
Will County Circuit Clerk
Twelfth Judicial Circuit Court
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Filed Date: 1/4/2018 9:18 AM
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IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL DISTRICT
WILL COUNTY, ILLINOIS

MARIA DE JESUS PENA, .

Plaintiff,

v.

WAL-MART STORES, INC.

Defendant.

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) Case No. 18L7
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COMPLAINT AT LAW

NOW COMES the Plaintiff, MARIA DE JESUS PENA, by and through her attorneys, CARY J. WINTROUB & ASSOCIATES, and complaining of the Defendant, WAL-MART STORES, INC., states as follows:

COUNT I - NEGLIGENCE

For her first cause of action against the Defendant, WAL-MART STORES, INC., individually and d/b/a WALMART, Plaintiff, MARIA DE JESUS PENA, states as follows:

1. That on or about June 26, 2016, and for some time prior and subsequent thereto, the Defendant, WAL-MART STORES, INC., was and remains a foreign corporation, transacting business in the State of Illinois, engaged in the business of operating and providing a retail store to the public, and did so d/b/a WALMART.

2. That in connection with the operation of its business, the Defendant, WAL-MART STORES, INC. herein owned, operated, managed, maintained and controlled and/or otherwise contracted to own, operate, manage, maintain and control the premises located at 420 Weber Road, in the City of Romeoville, County of Will and State of Illinois, together with the passages, areaways and appurtenances thereof and thereat.

3. That on or about June 26, 2016, the Plaintiff, MARIA DE JESUS PENA was legally and lawfully upon said premises, and more particularly, was shopping in the store at said premises.

Initial case management
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EXHIBIT

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4. That on or about June 26, 2016, the Plaintiff, MARIA DE JESUS PENA sustained injuries after she slipped and fell on water after making her purchase from the register.

5. That it was then and there the duty of the Defendant, WAL-MART STORES, INC. to exercise reasonable care and caution in and about the ownership, operation, management, maintenance and control of said premises, and the passages, areaways and appurtenances thereof and thereat, so that same would be in a good, safe and proper condition for persons legally and lawfully in and upon said premises, to use, occupy and walk upon, and so as not to cause harm and injury to such persons.

6. That the Defendant, WAL-MART STORES, INC., negligently and carelessly breached said duty in one or more of the following ways:

- (a) Improperly operated, managed, maintained and controlled said premises, and the passages, areaways and appurtenances thereof and thereat, so that as a direct result thereof, the Plaintiff was injured;
- (b) Failed to provide a good, safe and proper place for the Plaintiff to be, use, occupy and walk upon on said premises;
- (c) Allowed and permitted water to remain on the floor in an area where it was foreseeable that customers would walk;
- (d) Failed to remedy the unsafe, dangerous and hazardous condition of the water on the floor, when Defendant knew or should have known that the same was in the use and need thereof;
- (e) Failed to inspect said premises to be certain same was in good, safe and proper condition; and/or
- (f) Failed to warn the Plaintiff and others of the water on the floor.

7. That as a direct and proximate result of one or more of the aforesaid acts and/or omissions on the part of the Defendant, WAL-MART STORES, INC., the Plaintiff, MARIA DE JESUS PENA suffered, and will in the future suffer injuries of a personal, permanent and pecuniary nature.

WHEREFORE, the Plaintiff, MARIA DE JESUS PENA prays for the entry of judgment against the Defendant, WAL-MART STORES, INC., in an amount greater than FIFTY THOUSAND AND 00/100TH (\$50,000.00) DOLLARS, plus costs of this suit.

COUNT II – PREMISIS LIABILITY

For her second cause of action against the Defendant, WAL-MART STORES, INC., individually and d/b/a WALMART, Plaintiff, MARIA DE JESUS PENA, states as follows:

1. That on or about June 26, 2016, and for some time prior and subsequent thereto, the Defendant, WAL-MART STORES, INC., was and remains a foreign corporation, transacting business in the State of Illinois, engaged in the business of operating and providing a retail store to the public, and did so d/b/a WALMART.

2. That in connection with the operation of its business, the Defendant, WAL-MART STORES, INC. herein owned, operated, managed, maintained and controlled and/or otherwise contracted to own, operate, manage, maintain and control the premises located at 420 Weber Road, in the City of Romeoville, County of Will and State of Illinois, together with the passages, areaways and appurtenances thereof and thereat.

3. That on or about June 26, 2016, the Plaintiff, MARIA DE JESUS PENA was legally and lawfully upon said premises, and more particularly, was shopping in the store at said premises.

4. That on or about June 26, 2016, the Plaintiff, MARIA DE JESUS PENA sustained injuries after she slipped and fell on water after making her purchase from the register.

5. That it was then and there the duty of the Defendant, WAL-MART STORES, INC. to exercise reasonable care and caution in and about the ownership, operation, management, maintenance and control of said premises, and the passages, areaways and appurtenances thereof and thereat, so that same would be in a good, safe and proper condition for persons legally and lawfully in and upon said premises, to use, occupy and walk upon, and so as not to cause harm and injury to such persons.

6. That on and prior to June 26, 2016, the Defendant knew, or should have known though the exercise of reasonable care, about the water which then and there existed on Defendant's premises.

7. That the existence of the water on Defendant's premises presented an unreasonable risk of harm to persons legally and lawfully on the property, including the Plaintiff.

8. That the Defendant, WAL-MART STORES, INC., could have reasonably expected that persons on the property either would not discover or realize the danger, or would fail to protect themselves against such danger.

9. That the Defendant, WAL-MART STORES, INC., negligently and carelessly breached said duty in one or more of the following ways:

- (a) Improperly operated, managed, maintained and controlled said premises, and the passages, areaways and appurtenances thereof and thereat, so that as a direct result thereof, the Plaintiff was injured;
- (b) Failed to provide a good, safe and proper place for the Plaintiff to be, use, occupy and walk upon on said premises;
- (c) Allowed and permitted water to remain on the floor in an area where it was foreseeable that customers would walk;
- (d) Failed to remedy the unsafe, dangerous and hazardous condition of the water on the floor, when Defendant knew or should have known that the same was in the use and need thereof;
- (e) Failed to inspect said premises to be certain same was in good, safe and proper condition; and/or
- (f) Failed to warn the Plaintiff and others of the water on the floor.

10. That as a direct and proximate result of one or more of the aforesaid acts and/or omissions on the part of the Defendant, WAL-MART STORES, INC., the Plaintiff, MARIA DE JESUS PENA suffered, and will in the future suffer injuries of a personal, permanent and pecuniary nature.

WHEREFORE, the Plaintiff, MARIA DE JESUS PENA prays for the entry of judgment against the Defendant, WAL-MART STORES, INC., in an amount greater than FIFTY THOUSAND AND 00/100TH (\$50,000.00) DOLLARS, plus costs of this suit.

CARY J. WINTROUB & ASSOCIATES

By: 

Attorneys for Plaintiff

ARDC 6296783
CARY J. WINTROUB & ASSOCIATES
Attorneys for Plaintiff
10 South LaSalle Street, Suite 2424
Chicago, Illinois 60603
312-726-1021

RECEIVED BY THE COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA
ON APRIL 11, 2018
FROM THE U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA
CLERK OF COURT
U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA
CLERK OF COURT

U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA
CLERK OF COURT

AFFIDAVIT OF DAMAGES

SUPREME COURT RULE 222

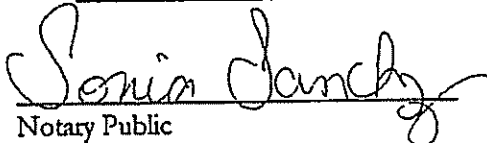
The undersigned being first duly sworn upon oath,
deposes and states that he is the attorney for the
plaintiff in the above entitled cause of action seeking
money damages, and states that this cause of action
DOES exceed \$50,000.00.

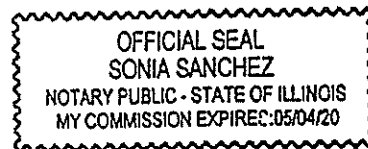
CARY J. WINTROUB & ASSOCIATES

BY: 
Attorneys for Plaintiff

Subscribed and Sworn to before me

Date: Jan 4th, 2018


Notary Public



ARDC 6296783
CARY J. WINTROUB & ASSOCIATES
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Suite 2424
Chicago, Illinois 60603
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UNITED STATES
DISTRICT COURT
SOUTHERD DISTRICT OF NEW YORK

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